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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,370	11/14/2003	Miraj Mostafa	061462-0260	1439

30542 7590 12/30/2008

FOLEY & LARDNER LLP
P.O. BOX 80278
SAN DIEGO, CA 92138-0278

EXAMINER	
DINH, KHANH Q	

ART UNIT	PAPER NUMBER
2451	

MAIL DATE	DELIVERY MODE
12/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/712,370	MOSTAFA, MIRAJ	
	Examiner	Art Unit	
	Khanh Q. Dinh	2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 November 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5 and 7-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5 and 7-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/20/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to the Request for Continued of Examination filed on 11/20/2008.

Claims 1-5 and 7-37 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 103(a) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-4, 7-16, 18-22, 24-33 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ostermann et al., US pat. No.6,796,082 in view of Corboy, US pat. No.7,284,187.

As to claim 1, Ostermann discloses a method for receiving a multimedia message in a mobile multimedia messaging service user agent, comprising:

receiving a multimedia message transmission (processing media multimedia messages, see abstract, fig.10, col.10 line 59 to col.11 line 14);

separating from the multimedia message transmission a descriptor representing a stored streamable media component and containing information necessary to initiate a streaming session, the information necessary to initiate the streaming session comprising a pointer (transmission of descriptor, see col.10 line 59 to col.11 line 14); and initiating a streaming session, using the descriptor, to retrieve the stored streamable media component described by the descriptor; the method further comprising obtaining session description data using the pointer and the initiating of the streaming session comprising the sub-step of using the session description data to initiate the streaming session (streaming sessions, see col.10 line 59 to col.11 line 53).

Ostermann does not specifically disclose separating a non-streamable media component from the multimedia message transmission. However, Corboy discloses separating a non-streamable media component from the multimedia message transmission (by using non-interterleaved data objects including files that are designed to be played back progressively but are authored only for a particular bandwidth, see abstract, fig.5, col.2 lines 44-60 and col.9 line 32 to col.10 line 65). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Corboy's teachings into the computer method of Osterman to process multimedia message because it would have provided a system for permitting a number of different file formats to be encapsulated in a way that enables choreographing the file elements in a communication network.

As to claim 2, Ostermann discloses transmitting streaming adaptation information before receiving the session description data (see col.10 line 59 to col.11 line 53).

As to claim 3, Ostermann discloses receiving a notification message that the multimedia message is available (see col.6 lines 16-38 and col.7 lines 18-62).

As to claim 2, Ostermann discloses the streaming adaptation information is transmitted after receiving the notification message (see col.6 lines 16-38 and col.7 lines 18-62).

As to claim 7, Ostermann discloses two different streamable media components of a multimedia message are represented by two different descriptors contained in the multimedia message (see fig.10, col.6 lines 16-38 and col.6 lines 16-38 and col.7 lines 18-62).

As to claim 8, Ostermann discloses the multimedia message transmission is received wirelessly (see col.5 lines 16-61 and col.6 lines 5-50).

As to claims 9 and 26, Ostermann discloses a method for multimedia messaging in a mobile multimedia messaging service network entity, comprising:
receiving a multimedia message containing a streamable media component (processing media multimedia messages, see abstract, fig.10, col.10 line 59 to col.11 line 14);
replacing the streamable media component with a descriptor providing information allowing a recipient user agent to initiate a streaming session to retrieve the streamable media component; and sending the multimedia message to the recipient user agent (transmission of descriptor, see col.10 line 59 to col.11 line 14);

wherein the information allowing the multimedia user agent to initiate a streaming session comprises a pointer using which session description data necessary to initiate a streaming session can be obtained (streaming media sessions, see col.10 line 59 to col.11 line 53).
Ostermann does not specifically disclose the multimedia message including a non-streamable media component. However, Corboy discloses separating the multimedia message including a non-streamable media component (by using non-interterleaved data objects including files that are designed to be played back progressively but are authored only for a particular bandwidth, see abstract, fig.5, col.2 lines 44-60 and col.9 line 32 to col.10 line 65). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Corboy's teachings into the computer method of Osterman to process multimedia message because it would have provided a system for permitting a number of different file formats to be encapsulated in a way that enables choreographing the file elements in a communication network.

As to claim 10, Ostermann discloses obtaining streaming adaptation information regarding the user agent and generating the session description data in accordance with the streaming adaptation information (see fig.10, col.10 line 59 to col.11 line 14).

As to claim 11, Ostermann discloses sending a notification message to the user agent of the multimedia message, wherein the streaming adaptation information is obtained after the sending of the notification message (see col.6 lines 16-38 and col.7 lines 18-62).

As to claim 12, Ostermann discloses receiving a multimedia message retrieve request from the user agent, wherein the obtaining of the streaming adaptation information is responsive to the multimedia message retrieve request (see col.6 lines 16-38 and col.7 lines 18-62).

As to claim 13, Ostermann discloses receiving a multimedia message retrieve request from the user agent, wherein the sending of the session description data is responsive to the multimedia message retrieve request (see fig.10, col.6 lines 16-38 and col.6 lines 16-38 and col.7 lines 18-62).

As to claim 14, Ostermann discloses wherein if the multimedia message contains more than one streamable media component, each streamable media component is represented with a corresponding descriptor (see fig.10, col.6 lines 16-38 and col.6 lines 16-38 and col.7 lines 18-62).

As to claim 15, Ostermann discloses that if the multimedia message contains more than one streamable media component, at least two streamable media components are replaced with one descriptor common for all replaced components (see fig.10, col.6 lines 16-38 and col.6 lines 16-38 and col.7 lines 18-62).

As to claim 16, Ostermann discloses the descriptor is provided by an entity selected from a group consisting of a recipient MMS relay and a recipient MMS server (see fig.9, col.10 lines 14-58).

As to claim 18, Ostermann discloses sending of the multimedia message to the recipient user agent causes the multimedia message to be transmitted over a wireless data transmission channel (see col.5 lines 16-61 and col.6 lines 5-50).

Claims 19-22 and 24, 25 are rejected for the same reasons set forth in claims 1-4, 7 and 8 respectively.

As to claim 26, Ostermann discloses the second network element and the third network element belong to a common network entity (see col.7 lines 8-62 and col.8 lines 4-43).

Claims 28-33 and 36-37 are rejected for the same reasons set forth in claims 9, 10, 12, 14, 15, 16, 18, 1 and 9 respectively.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 5, 17, 23 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ostermann and Corboy and further in view of Kimble, US Pub. No.20020027562.

Ostermann and Corboy's teachings still applied as in item 4 above. Neither Ostermann nor Crinon specifically discloses using descriptor is selected from a group consisting of a session description file, a uniform resource locator (URL), and a Universal Resource Identifier (URI). However, using the group of a session description file, a uniform resource locator (URL), and a Universal Resource Identifier (URI) is generally well known in the network art as disclosed by Kimble (see [0041] to [0045] and [0055]). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Kimble's teachings into the computer system of Ostermann for processing multimedia messages because it would have enabled specifying internet addresses on the Internet and described multimedia sessions for the purposes of session announcement, session invitation, and other forms of multimedia session initiation on the Internet.

Response to Arguments

7. Applicant's arguments with respect to claims 1-5 and 7-37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Claims 1-5 and 7-37 are rejected.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, FOLLANSBEE JOHN, can be reached on (571) 272-3964. The fax phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:
Commissioner for patents
P O Box 1450
Alexandria, VA 22313-1450

/Khanh Dinh/

Primary Examiner, Art Unit 2451